



04-06-06

DAF *[Signature]*

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/943,077	
	Filing Date	August 30, 2001	
	First Named Inventor	Ross A. Saunders et al	
	Art Unit	2877	
	Examiner Name	T. Nguyen	
Total Number of Pages in This Submission		Attorney Docket Number	2676-000037

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Petition for Revival of Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Statements Establishing Unintentional Delay and Return Postcard.</b>
<b>Remarks</b> The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Timothy D. MacIntyre	Reg. No.	42824
Signature	<i>[Signature]</i>				
Date	April 5, 2006				

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Dolores R. Lamar	Express Mail Label No.	EV 853 855 992 US (4/5/2006)
Signature	<i>[Signature]</i>	Date	April 5, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 853 855 992 US

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
2676-000037

First named inventor: Ross A. Saunders

Application No.: 09/943,077

Art Unit: 2877

Filed: 08/30/01

Examiner: T. Nguyen

Title: Integrated Optical Time Domain Reflectometer and Optical Supervisory Network

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**
☐ Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1,500.00 (37 CFR 1.17(m))
**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):

☐ has been filed previously on \_\_\_\_\_.

☐ is enclosed herewith.

B. The issue fee of \$ 1700.00

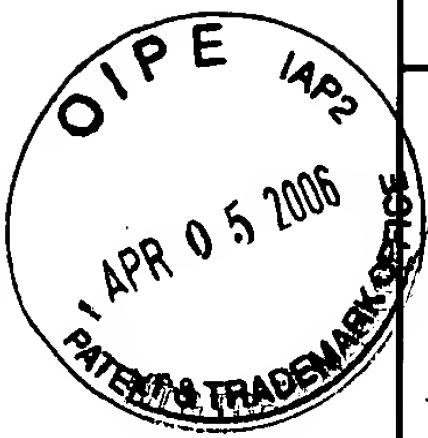
☐ has been paid previously on \_\_\_\_\_.

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



04/07/2006 SFELEKE1 00000004 09943077 1500.00 OP 01 FC:1453

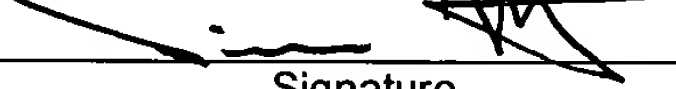
3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents files in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/application is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

 _____ Signature	_____ April 5, 2006 Date
_____ Timothy D. MacIntyre Typed or Printed Name	_____ 42824 Registration Number, if applicable
_____ Harness, Dickey & Pierce, PLC Address	_____ 248-641-1600 Telephone Number
_____ P.O. Box 828, Bloomfield Hills, MI 48303 Address	

Enclosures: ☒ Fee Payment

Address

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other :

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
April 5, 2006

Date

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Dolores R. Lamar

\_\_\_\_\_  
Typed or printed name of person signing certificate



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/943,077  
Filing Date: August 30, 2001  
Applicant: Ross A. Saunders et al  
Group Art Unit: 2877  
Examiner: T. Nguyen  
Title: Integrated Optical Time Domain Reflectometer and  
Optical Supervisory Network  
Attorney Docket: 2676-000037

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENTS ESTABLISHING UNINTENTIONAL DELAY**

Sir:

Applicant submits that the entire delay in filing the payment of the issue fee in connection with the identified application was unintentional. Applicant provides a timeline of pertinent events in support of this assertion:

Aug. 1, 2003      Original assignee of the present application, Ceyba Corp., entered into bankruptcy.

Sept. 22, 2003      Notice of Allowance was mailed to attorney of record (Killwork Gottman, et al.); copy of the notice as obtained from Public Pair is attached hereto at Tab A for convenience.

Nov. 2003            Current Assignee, PTS Corporation, acquires rights to present application from bankruptcy trustee as evidenced by subsequently recorded assignment attached hereto at Tab B for convenience.

Jan. 2004            Current assignee retains undersigned to handle patent assets acquired from the bankruptcy trustee, including the present application.

Undersigned initiates intake procedure to enter newly acquired application into docketing system; documents received for the present application did not include Notice of Allowance and thus current assignee is unaware of pending due date for payment of the issue fee.

Feb. 10, 2004      Present application abandoned for failure to pay issue fee and Notice of Abandonment sent to attorney of record (Killworth Gottman et al.); copy of Notice as obtained from Public Pair is attached hereto at Tab C for convenience.


April 28, 2004      Undersigned records change in Power of Attorney with USPTO;  
Notice of Abandonment never received by undersigned and thus  
current assignee unaware present application has gone  
abandoned.

Feb. 27, 2006      Undersigned receives inquiry from third party as to status of  
present application as evidenced by email attached at Tab D,  
thereby causing current assignee to learn of abandonment.

Respectfully submitted,

Harness, Dickey & Pierce, P.L.C.

Dated: April 5, 2006

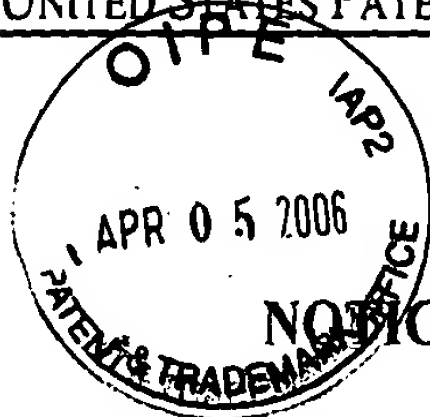
By:   
Timothy D. MacIntyre  
Reg. No. 42824

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov



## NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

09/22/2003

Killworth Gottman, Hagan & Schaeff, L.L.P.  
Suite 500  
One Dayton Center  
Dayton, OH 45402-2023

EXAMINER

NGUYEN, TU T

ART UNIT

CLASS-SUBCLASS

2877

356-073100

DATE MAILED: 09/22/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,077	08/30/2001	Ross Alexander Saunders	SOI 0002 PA	7691

TITLE OF INVENTION: INTEGRATED OPTICAL TIME DOMAIN REFLECTOMETER AND OPTICAL SUPERVISORY NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	12/22/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHT. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THE STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

## I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



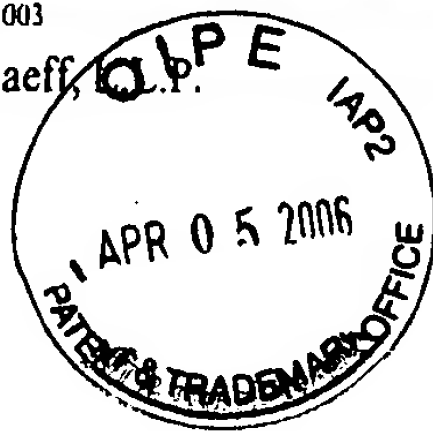
## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**Alexandria, Virginia 22313-1450**  
or **Fax (703) 746-4000**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)  
7590 09/22/2003

Killworth Gottman, Hagan & Schaeff, P.C.  
Suite 500  
One Dayton Center  
Dayton, OH 45402-2023



Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,077	08/30/2001	Ross Alexander Saunders	SOI 0002 PA	7691

TITLE OF INVENTION: INTEGRATED OPTICAL TIME DOMAIN REFLECTOMETER AND OPTICAL SUPERVISORY NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$650	\$300	\$950	12/22/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TU T	2877	356-073100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

☐ Issue Fee

☐ Publication Fee

☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

04/07/2006 CNGUYEN1 00000068 09943077

01 FC:1501  
02 FC:1504

1400.00 OP  
300.00 OP

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,077	08/30/2001	Ross Alexander Saunders	SOI 0002 PA	7691
7590 09/22/2003			EXAMINER	
Killworth Gottman, Hagan & Schaeff, L.L.P. Suite 500 One Dayton Center Dayton, OH 45402-2023			NGUYEN, TU T	
			ART UNIT	PAPER NUMBER
			2877	
DATE MAILED: 09/22/2003				



## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 271 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 271 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,077	08/30/2001	Ross Alexander Saunders	SOI 0002 PA	7691

EXAMINER
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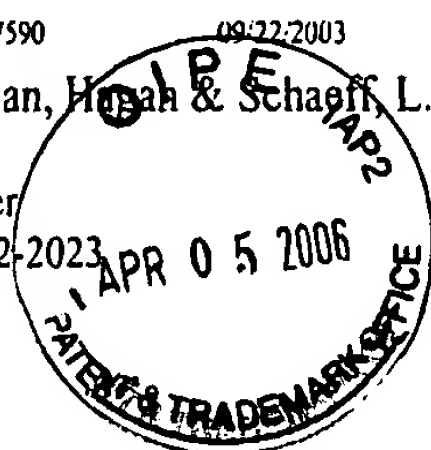
NGUYEN, TU T

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 09/22/2003

7590 09/22/2003  
Killworth Gottman, Hogan & Schaeff, L.L.P.  
Suite 500  
One Dayton Center  
Dayton, OH 45402-2023



## Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (<http://www.uspto.gov/main/howtofees.htm>).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below

### Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (Sec. 1.27(a))..... \$665.00  
By other than a small entity..... \$1,330.00

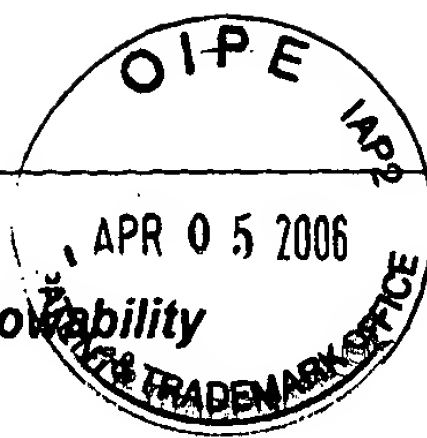
(b) Issue fee for issuing a design patent:

By a small entity (Sec. 1.27(a))..... \$240.00  
By other than a small entity..... \$480.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))..... \$320.00  
By other than a small entity..... \$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



# Notice of Allowability

Application No.

09/943,077

Examiner

Tu T. Nguyen

Applicant(s)

SAUNDERS ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/30/2001.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 30 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>1-3</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material     | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

Tu T. Nguyen  
Primary Examiner  
Art Unit: 2877

Art Unit: 2877

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Prior arts of record does not disclose an optical supervisory channel apparatus. The apparatus comprises: an OSC equipment, a pulse generator for providing a diagnostic pulse, a light source for launching an optical diagnostic signal, means for extracting reflectometry information from the reflected variant, wherein said light source is used for launching said optical diagnostic signal over the supervisory channel whenever said apparatus operates in a diagnostic mode, and is used for transmitting the supervisory channel in normal operation mode which structurally arranged and functionally operated as claimed in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on M-T 7:30-5:30.

Art Unit: 2877

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**Tu T. Nguyen**  
**Primary Examiner**  
**Group Art Unit 2877**

9/13/03

**ASSIGNMENT  
(PENDING U.S. APPLICATIONS)**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Schonfeld Inc., as duly appointed trustee of Ceyba Corp. ("Assignor") assigns and transfers to PTS Corporation ("Assignee") and the Assignee's legal representatives, successors and assigns, pursuant to the terms of an Asset Purchase Agreement dated November 20, 2003 between Assignor and Assignee, any and all of the right, title and interest of Assignor to those patents and applications identified as such in Exhibit A hereto, including (i) all Canadian patents and patent applications that claim priority to such identified patents and applications and all other patents and applications in the U.S. and countries foreign to the U.S. to which such identified patents and applications relate or claim priority, and (ii) any provisionals, continuations, continuations-in-part, divisions, reissue applications, extensions, Patent Cooperation Treaty applications, or derivatives of any of the foregoing, both foreign and domestic (the "Intellectual Property") and does hereby authorize and request the Commissioner of Patents or equivalent official to issue patents in the U.S. or any other applicable jurisdiction to the above-mentioned Assignee agreeably with the terms of this assignment document.

**ASSIGNOR HEREBY AUTHORIZES** the Assignee to insert in Exhibit A to this assignment document the filing date and application number of any application if the date and number are unavailable at the time this document is executed.

**UPON SAID CONSIDERATION**, Assignor conveys to the Assignee the right to make application in its own behalf for protection of the Intellectual Property in the U.S. and countries foreign to the U.S. and to claim under the Patent Cooperation Treaty, the International Convention and/or other international arrangement for any such application the date of any earlier U.S. application (or any other application on the invention) to gain priority with respect to other applications.

**IN WITNESS WHEREOF**, Assignor has set his hand on the date shown below.

Date: November 20, 2003

  
\_\_\_\_\_  
President

PROVINCE OF ONTARIO            )  
  ) SS:  
COUNTRY OF CANADA            )

On this 20th day of November, 2003, before me, a Notary Public in and for said province, appeared S. Harlan Schonfeld, who is personally known to me to be the same person whose name is subscribed to the foregoing assignment document, and acknowledged that he signed and delivered the document as his free and voluntary act for the uses and purposes therein set forth.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: N/A

IN WITNESS WHEREOF, Assignee has set his hand on the date shown below.

Date: November 20, 2003

\_\_\_\_\_  
Secretary

PROVINCE OF ONTARIO       )  
                                      ) SS:  
COUNTRY OF CANADA        )

On this 20th day of November, 2003, before me, a Notary Public in and for said province, appeared Adam Johnston, who is personally known to me to be the same person whose name is subscribed to the foregoing assignment document, and acknowledged that he signed and delivered the document as his free and voluntary act for the uses and purposes therein set forth.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



# **EXHIBIT A TO ASSIGNMENT**

## **Pending U.S. Applications**

Law Firm Case No.	Internal Company No.	Title	Inventors	Filing Date	Appln Number
HDP 2545- 000002	OP20010307-01	Method For Channel Tagging in DWDM Optical Communication Systems	Tomasz Barczyk	8-Aug-01	09/925,058
HDP 2545- 000003	OP20010615-02	Optical Power Transient Control Scheme for EDFS Amplifiers	Lacra Pavel, Xiona Meng	15-Aug-01	09/930,367
HDP 245- 000004	OP20010615-01	Dynamic Optical Spectral Control Scheme for Optical Amplifier Sites	Lacra Pavel, Andrew Robinson	4-Oct-01	09/970,930
HDP 245- 000004/C OB	OP20010615-01	Dynamic Optical Spectral Control Scheme for Optical Amplifier Sites	Lacra Pavel, Andrew Robinson	20-Jun-03	10/601,183
HDP 2545- 000005	OP20010508-01	Fault Isolation Technique for all Optical Networks	Ross Saunders	27-Aug-01	09/940,139
HDP 245- 000006	SW20010611-01	Wayside User Communications Over Optical Supervisory Channel	Dan Fossum, Carl Krentz, Ross Saunders, Mike Simpson	1-Oct-01	09/968,951
HDP 2545- 000008	OP20010810-01	Architectural Arrangement for Core Optical Networks	Bogdan Jacobik, John Gruber, Gordon Harney, Alex Tager, Ross Saunders, Hanan Anis, John Harvey	31-Oct-01	10/004,097
HDP 2545- 000009	OP20010731-01	Wavelength Sub-band Network Routing Topology	Ross Saunders, Avid Lemus, Hanan Anis	27-Aug-01	60/315,226
HDP 2545- 000011	SW20010515-01	Optical Media Management Channel	Ian Dawes, Sanjay Kalyanasundaram, Gordon Harney	8-Nov-01	10/035,494

HDP 2545- 000012	HW20010725-01	Field Reconfigurable Line Card for an Optical Transport System	Ketan Bhalla, Andre Lortie, Kyle Edginton, James Moser, Gernal Rafai-Ahmed, Marc Nadeau, Ross Saunders, Lee Shyue Choong	11-Oct-02	10/269,356
HDP 2545- 000013	SW20010809-01	Network Diagnostic Tool for an Optical Transport Network	Ross Saunders, Avid Lemus, John Somerton, Ashish Duggal	21-Jan-02	10/054,009
HDP 2545- 000013/C PA	SW20010809-01	Network Diagnostic Tool for an Optical Transport Network	Ross Saunders, Avid Lemus, John Somerton, Ashish Duggal	2-Apr-02	10/114,220
HDP 2545- 000014	OP20010810-02	Adaptive Method for Chirping an Optical Data Signal	Sacha Corbeil, Raj Nagarajan, Ross Saunders	1-Nov-01	10/004,200
HDP 2545- 000015	OP20010810-03	Synchronization of Pulse and Data Sources	Sacha Corbeil, Paul Fecteau, Dave Atkinson, Raj Nagarajan	16-Jan-02	10/050,738
HDP 2545- 000016	OP20010919-01	Dispersion Compensation Architecture for Switch-Ready Optical Networks	Alex Tager, John Gruber, Hanan Anis, Andrew Robinson, Ross Saunders	24-Jun-02	10/178,284
HDP 2545- 000017	OP20010919-02	Architectural Switching Arrangement for Core Optical Networks	Bogdan Jacobik, John Gruber, Gordon Harney	8-May-02	10/141,037
HDP 2545- 000018	OP20010921-01	WDM Cross- Connects for Core Optical Networks	Reza Paiam, Scott Marshal, Ross Saunders, Jonathan Boslay	18-Jan-02	10/051,234
HDP 2545- 000019	SW20011029-01	Auto-Discovery in an Optical Transport Network	Viput Rawat, Sanjay Kalyansundaram, Gordon Harney	1-Feb-02	60/353,390
HDP 2545- 000021	SW20011206-01	Apparatus and Method for Planned Wavelength Addition and Removal in a Wavelength Division Multiplexed System	Jonathan Bosloy, Lacra Pavel, Chris Passier, Matthew Brown	28-Feb-02	10/087,719

HDP 2545- 000022	OP20011207-01	Method of Seamless Migration from Static to Agile Optical Networking	John Gruber, Jonathan Bosloy, Hanan Anis, Reza Paiam	23-Jan-02	10/054,775
HDP 2545- 000022/C PB	OP20011207- 01(CIP)	Method of Seamless Migration from Scaleable OADM to a Network Switching Node	John Gruber, Jonathan Bosloy, Hanan Anis, Reza Paiam, Gordon Harney	22-Jan-03	10/348,818
HDP 2545- 000023	OP20020122-01	Flexible Optical Add-Drop Multiplexer Architecture	Ross Saunders, Avid Lemus, Hanan Anis, Reza Paiam	5-Feb-02	60/354,674
HDP 2545- 000026	SW20020104-01	Coordinated Control of Dynamic Gain Equalization in a Wavelength Division Multiplexed Optical System	Jonathan Bosloy, Lacra Pavel	29-May-02	10/157,523
HDP 2545- 000027	SW20020207-01	Wavelength and/or Sub-band Assignment Algorithm in all Optical Networks for Minimal Blocking	Thuthuy Bach, Ashish Duggal	28-Jun-02	10/186,109
HDP 2545- 000028	SW20020604-01	Automatic Optical Power Management in an Optical Communications System	Chris Passier, David Atkinsion, Carl Krentz, Madhu Krishnaswamy, Jean Guy Chauvin, Andrew Robinson, Rajkumar Nagarajan	11-Sep-02	10/241,186
HDP 2524- 00029		A Scalable Tool for Planning, Equipping and Validating Trials in a Multi-Layer Core Optical Network	Alan Steele, Engin Akyurekli, Marina Gertsvolf, Alfred Gaebel, Alexander Hsing, Douglas Beckett	25-Sep-02	60/413,437
HDP 2545- 000030	SW20020712-01	Lightpath Exerciser	Gordon Harney	14-Apr-03	10/413,030
HDP 2545- 000031	SW20020917-01	Sub-Band Reconfigurable Optical Add/Drop Multiplexer	Gordon Harney	11-Mar-03	60/453,576
HDP 2545-	OP20030402-01	Method of Detecting and	John Gruber	29-Apr-03	60/466,198

000032		Countering Service Denial and Intercept Attacks for Enhanced Optical Network Security			
HDP 2545-000033	OP20021024-01	Integrated Chromatic Dispersion Measurement and Optical Service Channel	Mark Acton, Alan Steele, Keith Wareham	16-Apr-03	60/463,283
HDP 2545-000034	HW20030225-01	Extractor Tool for LC Type Connectors Used in Fiber Optic Products	Andre Lortie, Kyle Edginton	22-Apr-03	60/464,463
GOW 08-888434US	OP20000801-01	Method of Dispersion Compensation Using Adaptive Phase	Ross Saunders, Hanan Anis, Raj Nagarajan, Sacha Corbeil, Andrew Robinson	25-Aug-00	60/227,796
GOW 08-888434US 1	Killworth file SOI 0003 PA	Method of Adaptive Signal Degradation Compensation	Ross Saunders, Hanan Anis, Raj Nagarajan, Sacha Corbeil, Andrew Robinson	10-Aug-01	09/927,680
GOW 08-888974US	OP20001101-01	Quality of Service (QoS) Based Supervisory Network for Optical Transport Systems	Avid Lemus, Vipul Rawat, Ross Saunders, Masood Azad, Ketan Bhala	17-Nov-00	60/259,559
GOW 08-888974US 1	Killworth file SOI 0001 PA	Quality of Service (QoS) Based Supervisory Network for Optical Transport Systems	Avid Lemus, Vipul Rawat, Ross Saunders, Masood Azad, Ketan Bhala, Dan Fossum	12-Oct-01	09/976,859
GOW 08-889564US	OP20011201-01	An Integrated Optical Time-Domain Reflectometer and Optical Supervisory Network	Avid Lemus, Ross Saunders, Sanjay Kalyanasundaram, Meng Soo	4-Dec-00	60/251,136
GOW 08-889564US 1	Killworth file SOI 0002 PA	An Integrated Optical Time-Domain Reflectometer and Optical Supervisory Network	Avid Lemus, Ross Saunders, Sanjay Kalyanasundaram, Meng Soo	30-Aug-01	09/943,077



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,077	08/30/2001	Ross Alexander Saunders	SOI 0002 PA	7691

7590 02/10/2004  
Killworth Gottman, Hagan & Schaeff, L.L.P.  
Suite 500  
One Dayton Center  
Dayton, OH 45402-2023

EXAMINER
NGUYEN, TU T

ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 02/10/2004



Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/943077

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$\_\_\_\_\_.

☒ The issue fee and publication fee, if applicable, have not been received.

☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

☐ No corrected drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



**Respond to the Notice of Abandonment by one of the following:**

**Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I) and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181, to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to one of the following standards:

- 37 CFR § 1.8(b) Certificate of Mailing
- 37 CFR § 1.10 "Express Mail" mailing
- MPEP 503 Postcard Receipt as Prima Facie Evidence

Petition To Withdraw Holding Of Abandonment should be addressed as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Mail Stop: Issue Fee, Alexandria, VA 22313-1450

By facsimile: 703-305-8755 or 703-305-4372

**Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (See MPEP 711.03(c) II). No fee required**

Where an applicant contends that the original Notice of Allowance and Issue Fee Due was never received. If adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
(Mark attention of a particular office or individual)

By facsimile: Technology Center numbers posted at <http://www.uspto.gov/september1/faxnotice.htm>

**Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g. the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) unavoidable or (b) unintentionally (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By hand: Crystal Plaza 4, Rm. 3C23, 2201 Clark Place, Arlington, VA

By facsimile: 703-308-6916

Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a) and Unintentionally Under 37 CFR 1.137(b), forms available at USPTO website – <http://www.uspto.gov>

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment.



**MacIntyre, Timothy**

---

**From:** Erjavac, Stan on behalf of hdpinfo  
**Sent:** Monday, February 27, 2006 10:50 AM  
**To:** MacIntyre, Timothy  
**Subject:** FW: Inquiry of status of patent

Tim:

My understanding is that this belongs to you. Thanks,

Stan

---

**From:** Mangindin, Valeri  
**Sent:** Monday, February 27, 2006 10:47 AM  
**To:** hdpinfo  
**Subject:** RE: Inquiry of status of patent

Hi Stan.

Tim MacIntyre is handling Ceyba. Do you want me to forward this to him or is it better coming straight from you?

Val

\*\*\*\*\*

**Valeri Mangindin**  
Harness, Dickey & Pierce, P.L.C.  
(248)341-1114

---

**From:** Erjavac, Stan **On Behalf Of** hdpinfo  
**Sent:** Monday, February 27, 2006 10:44 AM  
**To:** Stobbs, Greg; Mangindin, Valeri  
**Subject:** Inquiry of status of patent

Hello:

My understanding is that Greg represents Ceyba, so I am sending this request to you. Please let me know if my understanding is incorrect, or if this does not belong to you. Thanks,

Stan

---

**From:** Madhu Krishnaswamy [mailto:Madhu.Krishnaswamy@jdsu.com]  
**Sent:** Monday, February 27, 2006 10:05 AM

2/27/2006

**To:** hdpinfo

**Subject:** Inquiry of status of patent

I'd like to inquire about the status of a patent application (details below) that was apparently abandoned on February 10, 2004. I believe your firm has the current power of attorney. The patent was originally processed by Killworth Gottman, Hagan & Schaeff, L.L.P which has since merged with Dinsmore & Shohl. The company that filed the patent (Ceyba Corp) has since filed for bankruptcy and has ceased operations. Is this IP now in the public domain? Thanks.

**United States Patent Application # : 20030210387**

**Date Filed : August 30, 2001**

**Title : Integrated optical time domain reflectometer and optical supervisory network**

**Inventors: Saunders, Ross Alexander; (*Ottawa, CA*) ; Lemus-Tejada, Enos Avid; (*Ottawa, CA*) ;  
Kalyanasundaram, Sanjay; (*Ottawa, CA*) ; Soo, Meng; (*Nepean, CA*)**

**Madhu Krishnaswamy**

Product Line Manager, Optical Circuit-Packs & Subsystems

Subsystem Products Group

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email: [madhu.krishnaswamy@jdsu.com](mailto:madhu.krishnaswamy@jdsu.com)

2/27/2006